

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

JIM HOOD, ATTORNEY GENERAL OF
THE STATE OF MISSISSIPPI, *ex rel.*
THE STATE OF MISSISSIPPI,

PLAINTIFF

vs.

Civil Action No.: 3:12-cv-565-WHB-RHW

JPMORGAN CHASE & CO., and
CHASE BANK USA, N.A.,

DEFENDANTS

CONSOLIDATED WITH

JIM HOOD, ATTORNEY GENERAL OF
THE STATE OF MISSISSIPPI, *ex rel.*
THE STATE OF MISSISSIPPI,

PLAINTIFF

vs.

Civil Action No.: 3:12-cv-571

HSBC BANK NEVADA, N.A.,
HSBC CARD SERVICES, INC.; and
HSBC BANK USA, N.A.

DEFENDANTS

CONSOLIDATED WITH

JIM HOOD, ATTORNEY GENERAL OF
THE STATE OF MISSISSIPPI, *ex rel.*
THE STATE OF MISSISSIPPI,

PLAINTIFF

vs.

Civil Action No.: 3:12-cv-572

CITIGROUP INC.; CITIBANK, N.A.; and
DEPARTMENT STORES NATIONAL
BANK

DEFENDANTS

CONSOLIDATED WITH

JIM HOOD, ATTORNEY GENERAL OF
THE STATE OF MISSISSIPPI, *ex rel.*
THE STATE OF MISSISSIPPI,

PLAINTIFF

vs.

Civil Action No.: 3:12-cv-573

DISCOVER FINANCIAL SERVICES, INC.;
DISCOVER BANK; DFS SERVICES, L.L.C.;
and AMERICAN BANKERS
MANAGEMENT COMPANY, INC.

DEFENDANTS

CONSOLIDATED WITH

JIM HOOD, ATTORNEY GENERAL OF
THE STATE OF MISSISSIPPI, *ex rel.*
THE STATE OF MISSISSIPPI,

PLAINTIFF

vs.

Civil Action No.: 3:12-cv-574

BANK OF AMERICA CORPORATION and
FIA CARD SERVICES, N.A.

DEFENDANTS

CONSOLIDATED WITH

JIM HOOD, ATTORNEY GENERAL OF
THE STATE OF MISSISSIPPI, *ex rel.*
THE STATE OF MISSISSIPPI,

PLAINTIFF

vs.

Civil Action No.: 3:12-cv-575

CAPITAL ONE BANK (USA) N.A., and
CAPITAL ONE SERVICES, LLC

DEFENDANTS

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR
DECISION ON SUBSTANTIAL FEDERAL QUESTION ISSUE AND TO STAY
REMAND**

Comes now Plaintiff, Jim Hood, Attorney General of the State of Mississippi, *ex rel.* The State of Mississippi (“the State”), and respectfully submits this his Response in Opposition to Defendants’ Motion for Decision on Substantial Federal Question Issue and to Stay Remand (filed by Defendants at Dkt. 55):

As further explained in the supporting memorandum of law that the State is filing separately under Local Rule 7(b)(2), the above-captioned actions were improperly removed to federal court and should be remanded, without additional stays, to the State court wherein each was filed, in accordance with *Hood ex rel. Miss. v. JP Morgan Chase & Co.*, 737 F.3d 78 (5th Cir. 2013).

The State also submits the following Exhibits with this Response:

Exhibit A: Excerpts from Defendants’ Joint Memorandum in Opposition to Plaintiff’s Motion to Remand and for Costs and Fees, p. 41, *State of Hawaii ex rel. Louie v. JPMorgan Chase & Co.*, No. 12-263, Dkt. 75 (D. Haw. Oct. 29, 2012).

Exhibit B: The Notice of Removal, *State of Hawaii ex rel. Louie v. Citigroup*, No. 12-271, Dkt. 1 (D. Haw. May 18, 2012).

Exhibit C: *D&S Marine Servs., L.L.C. v. Lyle Props., L.L.C.*, No. 12-31263, 2013 U.S. App. LEXIS 23229, at *10 (5th Cir. Nov. 18, 2013) (unpublished)

WHEREFORE, the State respectfully requests that the Court remand the cases to the Hinds County Chancery Court, wherein each was originally filed, and order the clerk to strike the cases from the federal docket; the State also requests that the Court do so without delay, and that the Court deny Defendants’ motion (filed at Dkt. 55, 56).

DATED: December 30, 2013.

RESPECTFULLY SUBMITTED,

**JIM HOOD, ATTORNEY GENERAL
STATE OF MISSISSIPPI**

BY: /s/ George W. Neville
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above has been served on all counsel of record via the Court's CM/ECF system on the 30th day of December, 2013.

/s/George W. Neville

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